

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Preferred Capital Lending, Inc., et al., )  
)  
Plaintiffs, )  
vs. )  
)  
Stephen D. Chakwin, Jr., )  
)  
Defendant. )  
\_\_\_\_\_ )

Case No.: 2:13-cv-00368-GMN-NJK

**ORDER**

Before the Court is Defendant Stephen Chakwin, Jr.'s Motion to Exclude Plaintiffs' Improper Supplemental Reply (ECF No. 43), Plaintiffs' Memorandum in Support thereof (ECF No. 44), Defendant's Response (ECF No. 45) and Plaintiffs' Reply (ECF No. 46).

Defendant's Motion to Exclude Plaintiffs' Improper Supplemental Reply (ECF No. 43) and Plaintiffs' Memorandum in Support (ECF No. 44) claims that the Plaintiffs filed an untimely Surreply (ECF No. 42) in violation of Local Rule 7-2(e) which sets the deadlines for filing responses and does not permit the filing unless leave of Court is sought. Local Rule 7-2. Further, Defendant Chakwin claims that Plaintiffs impermissibly seek to introduce new argument referencing Illinois law or to introduce new evidence not provided during discovery. (ECF No. 44, at 4). Plaintiffs argue that their Surreply was a proper supplement to their Opposition to Defendant's Cross-Motion for Summary Judgment. (ECF No. 45, at 2). For the reasons provided below, the Court agrees with Defendant Chakwin that Plaintiffs' filing is procedurally improper.

Plaintiffs filed a Motion for Summary Judgment (ECF No. 26) and Defendant filed an Opposition (ECF No. 33) which stated in the title that it also included arguments in support of Defendant's separately filed Cross-Motion for Summary Judgment (ECF No. 31). Plaintiffs

1 filed a Reply (ECF No. 40) to Defendant's Opposition to its Motion for Summary Judgment  
2 stating in the title that this filing was also an Opposition to Defendant's Cross-Motion for  
3 Summary Judgment. Accordingly, Plaintiffs had a full and complete chance to reply to  
4 Defendant's opposition to Plaintiffs' Motion for Summary Judgment and also to oppose the  
5 Defendant's Cross-Motion for Summary Judgment and indeed, did so. (*See* ECF No. 40).  
6 Thereafter, a Settlement Conference was held but no settlement was reached, and a few days  
7 later Plaintiffs filed their Supplemental Reply (ECF No. 42) which the Court finds was  
8 untimely and without leave of court, in violation of Local Rule 7-2. Therefore, Plaintiffs'  
9 Surreply (ECF No. 42) shall be stricken from the docket and will be excluded from the Court's  
10 consideration.

11 The parties are strongly discouraged from filing combined documents and are urged to  
12 file each motion, opposition, cross-motion and reply as a separate filing so it will be assigned a  
13 different docket entry number to avoid confusion. Likewise, Defendant is advised that it is not  
14 the practice in this district to file a Notice of Motion and then a separate Memorandum of  
15 Points and Authorities. It is preferred that each motion contain points and authorities and  
16 exhibits filed together as one document, such that each will be assigned only one docket entry  
17 number. Following this practice may avoid future confusion, delay, and waste of both  
18 counsels' time and judicial resources.

19 **IT IS HEREBY ORDERED** that Plaintiffs' Surreply (ECF No. 42) shall be  
20 **STRICKEN** and is hereby excluded from consideration.

21 **DATED** this 8th day of August, 2014.

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Gloria M. Navarro, Chief Judge  
United States District Court